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GLOSSARY OF PUBLIC LAND TERMS

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GLOSSARY OF PUBLIC LAND TERMS

February 2000

-A-

ABANDONED MILITARY RESERVATION: A military reservation that may be transferred to the Secretary of the Interior for disposal.

ACCEPTED SURVEY: A survey for which the plat has been accepted for the Director of the Bureau of Land Management by the officer having cadastral survey approval authority.

ACCESS TRANSPORTATION AND RIGHTS-OF-WAY (ATROW): The Bureau of Land Management's program for acquiring land and granting rights-of-way.

ACCRETION: The gradual and imperceptible accumulation of land, by natural causes, along the banks of a stream or lake.

ACQUIRED LAND: Lands in federal ownership that were obtained by the government through purchase, condemnation, gift, or exchange.

ACTUAL SHORELINE: The line which is washed by the water whenever it covers the bed of a body of water at its mean high water level.

ADDITIONAL HOMESTEAD ENTRY: An addition to lands already acquired under the homestead laws.

ADEQUATE WATER SUPPLY: Enough water to irrigate successfully and to reclaim all of the irrigable land within an entry.

ADJOINING FARM HOMESTEAD ENTRY: An entry on lands next to those already owned by the entryman, such owned land having been bought or acquired in a manner other than by homestead entry.

ADJUDICATION: The legal processing of applications, entries, and claims to assure full compliance with the public land laws and regulations; judicially determining, judging, or decreeing; sitting in judgment.

ADJUSTED RAILROAD GRANT: A railroad grant that was completely adjudicated and satisfied before the Transportation Act of 1940.

ADMINISTRATIVE SITE: Lands used as a federal agency headquarters or administrative facility.

ADVERTISING DISPLAY: Any sign or other device erected or maintained for outdoor advertising or public information except for signs erected and maintained by federal, state, or local highway authorities within highway rights-of-way.

ADVISORY COUNCIL ON HISTORIC PRESERVATION: A council established by the National Historic Preservation Act of 1966 and consisting of the Secretaries of the Interior, Housing and Urban Development, and Commerce; the Administrator of the General Services Administration; and the Attorney General, or their designated representatives; the Chairman of the National Trust for Historic Preservation, and 10 members appointed by the President, either for their concern or involvement in relevant state and local government. The council is authorized under the National Historic Preservation Act and Executive Order 11593 to do the following:

- Advise Congress and the President on historic preservation matters.
- Provide guidelines for helping states draft legislation.
- Recommend studies of statutes on historic preservation.
- Encourage and direct private participation and training in historic preservation.
- Comment on any federal agency actions that may affect National Register or National Register eligible cultural resources. (See also 36 CFR 8000.1.)

AGREEMENT TO INITIATE: A written, non-binding statement of present intent to initiate and pursue an exchange, which is signed by the parties and which may be amended by the written consent of the parties or terminated at any time upon written notice by any party.

AGRICULTURAL COLLEGE SCRIP: Scrip issued to certain states to be sold and the proceeds applied to support agricultural and mechanical colleges.

AGRICULTURAL LAND: Land mainly used or suitable for croplands, orchards, groves, vineyards, and horticulture (plant nurseries, etc.).

AIR NAVIGATION SITE: A reservation of public lands for air navigation under the Act of May 24, 1928 (45 Stat. 728). (Repealed)

AIRPORT LEASE: A lease authorizing the use of public lands for airports or aviation.

ALASKA NATIVE CLAIMS SETTLEMENT ACT OF DECEMBER 18, 1971 (43 U.S.C. 1601) AND AMENDMENTS (ANCSA): A federal statute that authorized Alaska natives to select and receive title to 44 million acres of public land in Alaska, and \$962 million as settlement of their aboriginal claim to land in the state. ANCSA established a system of village and regional native corporations to manage the lands and cash payments, and made extensive provisions for operating the corporations. The act also required the Secretary of the Interior to withdraw up to 80 million acres of public land for consideration as new national wildlife refuges, national parks, national forests, and wild and scenic rivers.

ALIENATION: The voluntary transfer of title and possession of real property to another person.

ALLOTMENT (INDIAN OR NATIVE): An allocation to a native of land of which he or she had made substantially continuous use and occupancy for 5 years and that will be deemed the “homestead” of the allottee and his or her heirs in perpetuity, and must be inalienable and nontaxable except as otherwise provided by Congress.

ALLOWED APPLICATION: An accepted and approved application to acquire title to public lands.

ANIMAL UNIT: One mature cow or its equivalent (five sheep, two burros, or one horse), based on average daily forage consumption.

ANIMAL UNIT MONTH: The amount of forage needed to sustain one animal unit for 1 month.

ANTIQUITIES: Prehistoric and historic artifacts, objects, structures, ruins, sites, and monuments of cultural or scientific significance generally considered to be more than 100 years old. Antiquities also include paleontological specimens and sites containing data of scientific importance.

APPLICANT: The person or legal entity applying for use of, rights in, or title to public lands or resources.

APPLICATION: A formal request for rights to use or obtain eventual title to public lands or resources.

APPRAISED VALUE and APPRAISED PRICE: Fair market value. The amount of money specified as the minimum acceptable bid in the public notice ordering lands into the market. Appraised value or appraised price is determined by experienced, adequately trained appraisers within BLM staffs or by contract using standard appraisal practices.

APPROPRIATION or APPROPRIATED: Public lands covered by an entry, settlement, claim, location, withdrawal, or reservation that sets the land apart for some particular use or disposal.

APPROVED SURVEY: The approved field notes and plat of a cadastral survey.

APPURTENANCE: Anything so annexed to the land or used with it that it will pass with the conveyance of the land. An incidental right (as a right-of-way) attached to principal property right and passing in possession with it.

ARBITRATION: The submission for determination of disputed matter to a private unofficial person selected by agreement or in a manner provided by law. Voluntary arbitration is; therefore, by mutual and free consent of the parties.

ARBITRATOR: A private, disinterested person chosen by the parties to a disputed question for the purpose of hearing their contention and giving judgment between them. The parties to the dispute submit themselves to the arbitrator's decision (award).

AREA, GROSS: In BLM usage, the total area of all lands, irrespective of ownership, within the boundaries of a township, reservation or other tract of land. See AREA, NET.

AREA NET: In BLM usage, the area of public lands within the boundaries of a township, reservation or other tract of land less exclusions. See AREA, GROSS.

ARCHAEOLOGICAL RESOURCES: All physical evidence of past human occupation, other than historical documents, which can be used to reconstruct environmental data, and all other relevant information.

AREAS OF CRITICAL ENVIRONMENTAL CONCERN (ACEC): Areas within the public lands where special management attention is needed to protect and prevent irreparable damage to important resources. (See Section 103 of the Federal Land Policy and Management Act.)

ARTIFACT: Any object made, modified, or used by humans.

ASSEMBLED LAND EXCHANGE: The consolidation of multiple parcels of land for purposes of one or more exchange transactions over a period of time.

ASSESSMENT WORK: Work that must be performed annually by claimants to maintain possessory rights (as against the United States in Alaska and third parties in the continental United States) to mining claims for which patents have not been issued.

ASSIGNEE: A recipient or grantee; one to whom an interest is given or transferred, usually in writing.

ASSIGNMENT: A transfer or a making over to another of a whole or part of a property, either real or personal, or the giving to another of a right.

ASSIGNOR: A person who assigns a right.

AVULSION: A rapid and usually permanent change in a stream channel. Such movements do not create changes in property boundaries except where state interests in lands arising from the Submerged Lands Act (a state's title to lands beneath navigable waters) are concerned.

-B-

BANKHEAD-JONES LANDS: Under Title III of the BANKHEAD-Jones Farm Tenant Act, of July 22, 1937, the Department of Agriculture was authorized to purchase submarginal farm lands in the Great Plains region for purposes of reclamation, conservation, etc. Approximately 2 million acres were acquired and are termed "Bankhead-Jones Lands". These lands are now under the administration of the BLM, are in the class of Federal lands called "acquired lands" and are not subject to entry or disposal under the general public land laws. See ACQUIRED LANDS.

BASE LANDS: In an exchange, the lands owned by the proponent. In a lieu selection base lands are the lands the applicant relinquishes or to which the applicant has relinquished rights or has lost rights through no fault of his or her own.

BASE LINE: In cadastral surveying, a line that runs in an east-west direction from an initial point.

BID: A written or oral offer to purchase or lease.

BONA FIDE - In or with good faith; honestly, openly and sincerely. Without deceit or fraud. Actual and genuine.

BONA FIDE RIGHTS- Rights, such as in ownership of land, which are real, actual, genuine and worthy of acceptance. Rights acquired in good faith under the law.

-C-

CADASTRAL SURVEY: A survey that creates, makes, defines, retraces, or reestablishes boundaries and subdivisions of the public land of the United States.

CADASTRAL SURVEYOR: One who executes cadastral surveys.

CARDINAL DIRECTIONS: True north, south, east, and west.

CAREY ACT: The popular name of a series of acts that enables the Federal Government to grant potential agricultural lands to eligible states, which may in turn make grants to Entryman who irrigate and reclaim said lands. (See 43 U.S.C. 641.)

CASH ENTRY: Lands for which the entryman paid cash or its equivalent.

CEDED INDIAN LANDS: Indian lands that were relinquished to the United States by an Indian tribe.

CEMETERY-SITE ENTRY: A cash entry for land to be used for a cemetery. (Repealed by the Federal Land Policy and Management Act)

CERTIFICATE OF OWNERSHIP: A certificate from the proper state or county officials showing that title to lands is vested in the state or county and that the officer or agency is empowered by law to lease them.

CHAIN OF TITLE - A term applied metaphorically to the series of conveyances, or other forms of alienation, affecting a particular parcel of land, arranged consecutively from the Government or original source of title down to the present holder, each of the instruments included being termed a "link".

CIRCULAR: A Bureau of Land Management publication that contains regulations and instructions.

CLAIMANT: A person or other entity asserting title to or rights in public lands.

CLASSIFICATION: The authority of the Secretary of the Interior to examine land to see whether it is proper for entry, selection, or location.

CLASSIFICATION OF LANDS: The process of determining whether lands are more valuable or suitable for transfer or use under particular or various public land laws than for retention in federal ownership for management purposes.

CLEAR LIST: The approved title document with certification that conveys title to public land selected as indemnity for school lands lost by natural deficiency or prior appropriation.

CLOSE (SEGREGATE): To remove land from operation of some or all of the public land laws for a given period of time.

CLOSURE OF LIVESTOCK: The removal of all livestock from an area of the public lands for a given period of time.

COLOR-OF-TITLE: A claim based on an erroneous but good faith claim of title.

COLOR-OF-TITLE ACT: The Act of December 22, 1928 (43 U.S.C.), as amended. Under the terms and provisions of this act, a patent may be issued for a parcel of not more than 160 acres of public lands. The land must have been possessed in good faith by a claimant, his ancestors, or grantors for a period of more than 20 years.

COMMUNICATION SITE: An area of public land granted to an applicant under the authority of the Act of October 21, 1976 (43 U.S.C. 1761) and the regulations, to be used for a communication structure or facility.

COMMUNITY: A village, town, or city, or similar subdivision of a state, whether or not it is incorporated.

COMMUTED HOMESTEAD ENTRY: A homestead for which the entryman was allowed to pay cash rather than meet all the residence and other requirements.

COMPETITIVE LEASE, OIL OR GAS: An oil or gas mineral lease that covers public lands within a known producing oil or gas field and that is issued to the successful bidder at public auction or through sealed bids.

COMPLIANCE CHECK: The process by which BLM determines that a permittee, grantee, patentee, or other holder of a use authorization, grant, or patent, is or has complied with the terms of the conveyance or granting document.

CONDEMNATION: In real property law, the process by which property of a private owner is taken for public use, without his consent, but upon the award of payment of just compensation. It has the nature of a forced sale and the condemner has the position toward the owner of a buyer toward a seller.

CONFIRMATION OF A SUSPENDED ENTRY: The issuance of a patent for a suspended entry where the entryman failed to comply with all requirements under the regulations but where compliance was substantial enough to warrant applying principles of equity to find the entryman qualified.

CONFORMITY OR CONFORMANCE: A resource management action shall be specifically provided for in the plan, or if not specifically mentioned, shall be clearly consistent with the terms, conditions, and decisions of the approved plan or plan amendment.

CONTEST: Proceedings against a filing, claim, or entry, alleging that it does not meet the requirements of the public land laws. Either the government or an adverse claimant may initiate a contest.

CONTIGUOUS LANDS AND CONTIGUOUS LEGAL SUBDIVISIONS: Lands or legal subdivisions having a common boundary.

CONTRACT: A binding legal relationship obligating the seller to furnish personal property or nonpersonal services and the buyer to pay for them.

COOS BAY LANDS: Public lands in western Oregon that were granted to Oregon for the building of the Coos Bay Military Wagon Road, but that were forfeited and returned to the Federal Government. Also see O&C LANDS.

COPYING FEES: Fees charged for copying official records.

CORNERING: Lands having a common survey corner but not a common boundary.

COST RECOVERY: A: process for recovering direct and indirect administrative costs to the United States for a right-of-way or a permit incident to a right-of-way. Cost recovery includes expenses incurred in processing and monitoring such applications and permits.

COUNCIL ON ENVIRONMENTAL QUALITY (CEQ): An advisory council established by the National Environmental Policy Act (NEPA) to report to the President and have general management responsibility for NEPA.

CREDIT ENTRY: A cash entry that permitted installment payments but has been repealed.

CROP: Any generally accepted agricultural product to which the land under consideration is generally adapted and that would return a fair reward for the expense of producing it.

CULTIVATION: The operation, practice, or act of tillage or preparing land for seed and keeping the ground in a state favorable for the growth of crops.

CULTURAL RESOURCE MANAGEMENT: Programs designed to protect, preserve, and scientifically study cultural resources and the natural resources that figured significantly in cultural systems. The objectives of such programs should be the conservation and protection of cultural values through management and the scientific study of these resources for the public good.

CULTURAL RESOURCES: Those fragile and nonrenewable remains of human activities, occupation, and endeavors as reflected in sites, buildings, structures, or objects, including works of art, architecture, and engineering. Cultural resources are commonly discussed as prehistoric and historic values, but each period represents a part of the full continuum of cultural values from the earliest to the most recent.

CURATIVE PATENT: An amended patent to correct a previously issued, defective patent.

-D-

DAMAGES: A pecuniary compensation or indemnity that may be recovered in the courts for loss or injury.

DECISION: A document signed by a suitable official, setting forth conclusions of law and findings of fact relevant to an application, entry, or claim.

“DE FACTO” WITHDRAWAL: An action that closes lands through a means other than formal withdrawal, e.g. application, classification, land use planning decision.

DEPENDENT RESURVEY: A retracing and reestablishing of the lines of an original survey in their true original locations according to the best available evidence of the position of the original corners.

DESERT LAND ENTRY: An entry of irrigable, arid, agricultural public lands under the Act of March 3, 1877 (19 Stat..377; 43 U.S.C. 321, et seq.), which the entryman must reclaim, irrigate, and cultivate.

DESIGNATION: The official identification and naming of a general area or site on public land. No lands may be designated until they are either (1) withdrawn or (2) given special status by act of Congress.

DIRECTOR: The head of the Bureau of Land Management, who exercises the functions formerly assigned to the Commissioner of the General Land Office and the Director of the Grazing Service.

DISCOVERY, MINERAL: The act of exposing to view a valuable mineral on a mining claim; the physical exposure of the mineral vein or lode or other mineral deposit on the ground.

DISTRICT: The specific area of public lands administered by a district manager.

DISTRICT OFFICE: A local Bureau office under the jurisdiction and direction of the state office.

DRIFT: The natural movement of livestock from one range area to another.

-E-

ENLARGED HOMESTEAD ENTRY: A homestead entry (not exceeding 320 acres) under the Act of June 17, 1910 (36 Stat. 531; 43 U.S.C. 218) that provided for homesteading nonirrigable agricultural lands in the West (dryland farming). (Repealed)

ENTRY: The contract between the United States and an entry person that the U.S. will issue a patent for certain land if the entry person completes certain actions. The conditions, requirements, and procedures are revealed by the type of entry, such as homestead entry, desert land entry, or mineral entry. That specific lands are open to entry means that a person may go upon such lands and, if suitable, begin the steps leading to the contract or entry. Before the Taylor Grazing Act (1934) one simply squatted upon the land if it were not already taken up by another. If the land were surveyed, the person could come to the Land Office and file the needed papers, with witnesses, seeking an entry under a specific law—Homestead, Desert Land, Timber and Stone, etc. If the land were unsurveyed, the U.S. would not agree to entry until the survey was complete.

ENTRYMAN (ENTRY PERSON): The person or legal entity that makes an entry.

ESTOPPEL: In law, the prevention of a person from making an affirmation or denial because it is contrary to an affirmation or denial that he or she has already made.

EVIDENCE OF TITLE: A policy of title insurance; or a certificate of title issued by a title insurance company authorized by law to issue such certificates; or an abstract of title prepared and authenticated by a licensed abstractor or abstract company or by the recorder of deeds or other proper officer of the state under his official seal.

ENVIRONMENTAL ANALYSIS (EA): A concise public document used by federal agencies to determine whether to prepare an environmental impact statement (EIS) for a proposal or issue a finding of no significant impact (FONSI). At the least, an EA briefly discusses the need for the proposal, the alternatives, and the environmental impacts of the proposal and alternatives and lists persons and agencies consulted.

ENVIRONMENTAL IMPACT STATEMENT (EIS): A detailed report required by Section 102(2)(C) of the National Environmental Policy Act whenever a major federal action would significantly affect the human environment.

EXCHANGE: A trading of public lands (surface and/or subsurface estates) that usually do not have high public value, for lands in other ownerships that do have value for public use, management, and enjoyment. The exchange may be for the benefit of other federal agencies as well as for BLM.

EXECUTIVE ORDER 11593: An executive order requiring BLM to consider the effect of its actions on cultural resources. Under this order BLM must identify archaeological and historic sites for the National Register of Historic Places and during the interim ensure that any federally owned property is not altered, transferred, or demolished.

-F-

FAIR MARKET RENT: The rental value of a parcel of land derived by comparing rent of similar land for similar uses in a locality.

FAIR MARKET VALUE: The amount in cash, or in terms reasonably equivalent to cash, for which a property would probably be sold by a knowledgeable owner willing but not obligated to sell to a knowledgeable purchaser who desires but is not obligated to buy.

FAMILY-SIZED FARM: The unit of public lands determined to be chiefly valuable for agriculture and large enough (on the basis of land use capabilities, development requirements, and economic capability) to provide a level of net income after payment of expenses and taxes, to sustain a family-sized agribusiness above the poverty level for a rural farm family of four as determined by the U.S. Department of Labor.

FARM UNIT: A parcel of land within a reclamation project and estimated to be of suitable size for a family farm.

FEDERAL LAND POLICY AND MANAGEMENT ACT (FLPMA), P.L. 94-579, ACT OF OCTOBER 21, 1976: BLM's organic act, which established public land policy and guidelines for administration.

FEDERAL POWER PROJECT RESERVATION: A reservation of public lands for use in a project developed under the jurisdiction of the Federal Power Commission.

FEES AND COMMISSIONS: Payments required by law for an application or entry.

FIELD EXAMINATION: An on-the-ground examination conducted by BLM (or BLM-directed) people.

FIELD NOTES: The official written record of a land survey, certified by the field surveyor, approved by the proper authority, and providing courses and distances of lines surveyed and descriptions of corner monuments.

FILING: An application or other proper document that has been submitted to the proper official or office; an application pursuant to the Mineral Leasing Act.

FINAL CERTIFICATE: A document that provides evidence that a patent should be issued and alone is sufficient to vest title in the would-be patentee.

FINAL PROOF: A statement by an entryman and his witnesses purporting to prove that the entryman has done all things needed to perfect his entry.

FINAL REGULATION: Any regulation adopted by the Secretary of the Interior and published in the *Federal Register* for inclusion in the Code of Federal Regulations.

FINDING OF NO SIGNIFICANT IMPACT (FONSI): A federal document that briefly presents reasons an action would not significantly affect the environment and for which an environmental impact statement will not be prepared.

FISH AND WILDLIFE: Generally, all species of nondomesticated animal life.

FLOOD PLAIN: Land that is not normally covered by water but that lies in an area subject to inundation.

FRACTIONAL TOWNSHIP OR SECTION: A situation called "natural deficiency" caused by surveys creating fractional measurements due to presence of a large meanderable water body; impassable objects; a state, reservation, or grant boundary; or similar reserves.

FREE USE PERMIT: A permit that allows the removal of timber or other resources from the public lands free of charge.

-G-

GENERAL LAND OFFICE (GLO): One of the predecessor agencies of the Bureau of Land Management. The GLO was charged with land disposal, record keeping, and cadastral survey.

GENERAL ORDERS OF WITHDRAWALS: Executive Orders No. 6910 of November 26, 1934, and No. 6964 of February 5, 1935, which withdrew for classification all vacant public lands in the 11 western states and certain other public land states.

GOVERNMENT CONTEST: A proceeding initiated by the Federal Government to determine the validity of a claim.

GRANT: A gift of public lands either in quantity or in place. Also, the document or the action that conveys land or an interest in land.

GRANTEE: One to whom a grant is made. The recipient of the right-of-way, patent, deed, or other benefit.

GRANTOR: The person who makes a grant.

GRAZING ALLOTMENT: A specific area within which grazing use is authorized. A grazing allotment generally consists of public lands but may also include parcels of private and state lands.

GRAZING DISTRICT: A specific area of public land administered for grazing purposes under Section 3 of the Taylor Grazing Act. Public lands outside grazing districts are administered under either Section 15 of the act or another authority.

GRAZING FEE: The rate per animal unit month charged for livestock grazing on or crossing public lands.

GUIDANCE: Any type of written communication or instruction that transmits objectives, goals, constraints, or any other direction that helps the District and Area Managers and staff know how to prepare a specific resource management plan.

-H-

HAZARDOUS SUBSTANCES: As designated under Environmental Protection Agency regulations at 40 CFR part 302.

HIGHEST AND BEST USE: The most probable legal use of a property, based on market evidence as of the date of valuation, expressed in an appraiser's supported opinion.

HEADQUARTERS ENTRY: In Alaska, a cash entry of 5 acres or less of public lands used as a headquarters for a productive industry.

HEARING, CONTEST: Formal proceedings for the taking of evidence from the parties to the contest and their witnesses.

HIGHWAY: A term used in its general sense to include all routes of public surface travel.

HOLDER: Any state or local governmental entity, individual, partnership, corporation, association, or other business entity receiving or using a right-of-way under Title V of the Federal Land Policy and Management Act.

HOLDING AGENCY: The Federal department or agency for whom lands have been withdrawn or reserved.

HOMESITE ENTRY: A cash entry in Alaska of 5 acres or less for a residence.

HOMESTEAD ENTRY: An entry initiated under any of the homestead laws, leading to patent for Entryman who settle upon and improve agricultural lands.

-I-

IMPROVEMENT: Any permanent structure that, when placed upon the land, tends to increase its value.

INDEMNITY LIMITS: Lands lying within a specified distance of the primary limits of a railroad or wagon road grant, within which the grantee may make lieu selections to replace lands lost to the grantee in the primary limits.

INDEMNITY (LIEU) SELECTION: A selection made to compensate for lands that were lost.

INDEPENDENT RESURVEY: Establishing new independent section lines for public land without reference to the corners of the original survey, while preserving the boundaries of alienated lands.

INDIAN ALLOTMENT: An allocation of public lands or Indian reservation land to an Indian for his individual use.

INDIAN FEE PATENT: A patent that conveys fee title to qualified Indians to lands entered under an Indian allotment.

INDIAN RESERVATION: A reservation for the use of Native Americans.

INDIAN TRUST FUND: An account in the Federal Treasury to which money belonging to Indian tribes is credited.

INDIAN TRUST PATENT: A patent issued to an Indian to lands that cannot be alienated or sold for a period of years and where legal title remains with the United States.

INDUSTRIAL: Pertaining to the manufacturing, processing, and testing of goods and materials, including the production of power. Industrial does not refer to the growing of agricultural crops, the raising of livestock, or the extraction or severance of raw materials from the land being classified but does include incidental activities.

INTERNAL IMPROVEMENT GRANT: A grant made to help build roads, canals, railroads, and other public improvements.

INVESTIGATION: An analysis that usually does not include on-the-ground inspection.

IRRIGATION: Applying water to land for growing crops.

ISOLATED OR DISCONNECTED TRACT: A tract of one or more contiguous legal subdivisions surrounded by lands in nonfederal ownership or so effectively separated from other federally owned lands by some permanent withdrawal or reservations as to make its use with such lands impracticable. A tract is considered isolated if the contiguous lands are all patented, even though other public lands corner upon the tract. For sale purposes under R.S. 2453-5, an isolated tract was a parcel of vacant public land (not exceeding 1,520 acres) that was surrounded by appropriated public lands or private lands or both. (Repealed by the Federal Land Policy and Management Act)

-K-

KNOWN GEOTHERMAL RESOURCE AREAS (KGRA): An area in which the geology, nearby discoveries, competitive interests, or other indicators would, in the opinion of the Secretary of the Interior, engender a belief in people who are experienced in the subject matter that the prospects for extracting geothermal steam or associated geothermal resources are good enough to warrant spending money for that purpose.

KNOWN GEOLOGIC STRUCTURE (KGS): A geological trap in which an accumulation of a valuable mineral product has been discovered by drilling and determined to be productive and in whose limits all acreage is presumptively productive.

-L-

LACHES: Delay attended by or inducing change of condition or relation; a failure to do something that should be done or to claim or enforce a right at a proper time.

LAND DESCRIPTION (LEGAL DESCRIPTION): The method of locating or describing land in relation to the Public Land Survey.

LEASE: A usually long-term authorization to possess and use public lands for a fixed period of time (43 CFR 2910).

LEASABLE MINERALS: Minerals whose extraction from federal land requires a lease and the payment of royalties. Leasable minerals include oil and gas, oil shale and tar sands, coal, potash, phosphate, sodium, geothermal steam, sulfur in Louisiana and New Mexico, silica deposits in certain parts of Nevada, and certain minerals under special acts such as the Acquired Lands Act.

LEAVE OF ABSENCE: The authorized absence of an entryman or settler from the public lands upon which he or she has established his residence under the public land laws.

LEDGER ACCOUNT: A mechanism that tracks the difference in dollar value of lands conveyed throughout a series of transactions. A report of each transaction by date, value of Federal and non-Federal land, the difference between these values upon completion of each transaction, and a commutative balance and differential.

LEGAL TITLE: Title enforceable in a court of law, which is apparently complete and perfect and is generally associated with record ownership.

LIEU SELECTION (INDEMNITY SELECTION): A selection made to compensate for lands that were lost.

LIVESTOCK: Cattle, sheep, horses, burros, and goats.

LOCATION: A claim to public lands established by the surrender of scrip or by the initiation of a mining claim or a settlement claim.

LODE CLAIM: A mining claim embracing public lands that contain minerals occurring in a vein or lode.

LOT: A subdivision of an irregular portion of a section that cannot be described by aliquot parts.

-M-

MARKET VALUE: The most probable price in cash, or terms equivalent to cash, that should bring in a competitive and open market under all conditions requisite to a fair sale, where the buyer and seller each acts prudently and knowledgeably, and the price is not affected by undue influence.

MASTER TITLE PLAT: The modern land title record keeping that shows land status by diagrams.

MATERIAL SITE: The public lands from which sand and gravel may be taken (with the proper permit and authorization) for building or maintaining state or federal-aid highways.

MEANDER or MEANDER LINES: The traverse of the margin of a permanent natural body of water executed to determine the quantity of land remaining after the segregation of the water area.

MILITARY BOUNTY LAND WARRANT: Scrip issued as a reward for military service.

MILITARY RESERVATION: A withdrawal for the use of the Department of Defense for military purposes.

MILLSITE ENTRY: A cash entry of nonmineral public lands that are to be used as a millsite for the reduction of ore or in developing a lode claim.

MINERAL: A substance that (1) is recognized as a mineral according to its chemical composition by the standard authorities on the subject, (2) is classified as a mineral product in trade or commerce, or (3) has economic value for use in trade.

MINERAL APPLICATION: An application to purchase public lands that are held as a mining claim or are desired as a millsite.

MINERAL CLASSIFICATION: The classification of lands as being valuable for a specific mineral or minerals; also the public lands so classified.

MINERAL IN CHARACTER: Lands where a mineral is ordinarily in enough quantity to add to their richness and to justify expenditures for its extraction.

MINERAL LANDS: Public lands that have been designated as containing valuable minerals or are known to contain valuable minerals.

MINERAL LAWS: The mining laws, mineral leasing laws, and Geothermal Steam Act, but not the Materials Sales Act, administered by the Secretary of the Interior through the Bureau of Land Management.

MINERAL LEASE: A lease that authorizes the development and production of leasable minerals from public lands. Also see LEASABLE MINERALS.

MINERAL LEASING ACT; ACT OF FEBRUARY 25., 1920 (41 STAT. 437: 30 U.S.C. 181 ET SEQ.): A federal statute that authorized leasing of public lands for extracting oil, gas, coal, phosphate, sodium, and other minerals.

MINERAL MONUMENT: A monument established for a mineral survey.

MINERAL PERMIT: An authorization to prospect for certain leasable minerals on public lands.

MINERAL RESERVATION: A clause in a conveyance document that reserves minerals to the grantor.

MINERAL RIGHTS: The rights of one who owns the mineral (subsurface) estate.

MINERAL SURVEY: A survey of a mining claim, which is performed either by cadastral survey or by an approved surveyor.

MINERAL WITHDRAWAL FOR CLASSIFICATION: A withdrawal of public lands that are potentially valuable for leasable minerals. This withdrawal precludes the disposal of the lands except with a mineral reservation, or unless the lands are found not to be valuable for minerals.

MINIMUM STATUTORY PRICE: The lowest price established by law for which public lands may be sold.

MINING CLAIM: A possessory interest in land obtained by physically locating certain lands on the ground (under the authority of the 1872 Mining Law) on which a discovery of valuable locatable minerals has been made. A mining claim can be located on any vacant unappropriated public lands.

MINING LOCATION: A mining claim.

MULTIPLE USE: The management of the public lands and their resources for the following purposes:

- To use the lands and resources in the combination that will best meet the present and future needs of the American people.
- To make the most judicious use of the public lands and resources or related services over areas large enough to provide enough latitude to periodically adjust use to conform to changing needs and conditions.
- To use some land for fewer than all the resources.
- To attain a combination of balanced and diverse resource uses that consider the long-term needs of future generations for renewable and nonrenewable resources, including recreation; range; timber; minerals; watershed; wildlife and fish; and natural scenic, scientific and historical values.
- To maintain harmonious and coordinated management of resources without permanently impairing the land's productivity and the quality of the environment.
- To consider relative values of the resources and not necessarily the combination of uses that will give the greatest economic return or the greatest unit output.

NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA) (PUBLIC LAW 91- 190, 83 STAT. 852.): An act signed into law on January 1, 1970, that established a national policy for protecting environmental resources, required federal agencies to assess the impacts of their proposed actions, and established the Council on Environmental Quality.

NATIONAL FOREST HOMESTEAD ENTRY: A homestead entry initiated under the Act of June 11, 1906, (34 Stat. 233; 16 U.S.C. 506), which provided for homesteading within national forests of public lands classified as more valuable for agriculture than for forestry.

NATIONAL FOREST LIEU SELECTION: A lieu selection based on the relinquishment (before March 3, 1905) of the rights to or the ownership of lands lying within national forests.

NATIONAL MEMORIAL: A reservation that embraces memorials of national interest and is administered by the National Park Service.

NATIONAL MONUMENT: A reservation of lands embracing values of historic or scientific interest and with some exceptions is administered by the National Park Service.

NATIONAL REGISTER OF HISTORIC PLACES (NATIONAL REGISTER): A Federal Government listing of " ... districts, sites, buildings, structures, and other objects significant in American history, architecture, archeology, and culture. Maintained by the National Park Service , the National Register is published in its entirety in the *Federal Register* each year in February. Addenda are published on the first Tuesday of each month. Federal agencies are required to consult the National Register to determine if a proposed action or undertaking might affect any National Register properties (36 CFR 800.4).

NATIONAL RESOURCE LANDS: A term used during the 1970's for public lands.

NATIVE VILLAGE: Any tribe, band, clan, group, village, community, or association in Alaska, as defined in Section 3© of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601) (ANCSA).

NATURAL AREA: An area set aside in an undisturbed state to preserve natural and environmental values.

NATURAL HISTORY RESOURCES: Features of the environment that represent natural phenomena that (1) relate to the development of the earth's surface or the evolution of life and (2) have scientific values or evoke human interest.

NAVAL RESERVE: A reservation for naval purposes.

NON-BUREAU ENERGY INITIATIVE (NBEI): A lands and realty action resulting from an application to acquire or use BLM-managed lands for developing or distributing energy resources.

NONPROFIT ASSOCIATION OR CORPORATION: Any institution, organization, or association that has been established according to local law and is held by the Internal Revenue Service to be tax exempt.

NOTICE: Part of due process, the communication of a pending action; the notification of parties of actions about to be taken.

NOTICE OF REALTY ACTION (NORA): A publication to inform the public of a BLM-proposed realty-related action.

-O-

O & C LAND EXCHANGE: A land exchange involving Oregon and California (O&C) lands.

O & C LANDS: Public lands in western Oregon that were granted to the Oregon central railroad companies (later the Oregon & California Company) to help build railroads. These lands, however, were later forfeited and returned to the Federal Government by revestment of title. The term "O&C" lands, as often used, also refers to the reconveyed Coos Bay Military Wagon Road lands, which are public lands in western Oregon that were once granted to the State of Oregon to aid in building the Coos Bay Military Wagon Road but were later forfeited and returned to federal ownership by reconveyance. Also see COOS BAY LANDS.

OCCUPANCY: Actual possession and use of land in something more than a slight or sporadic manner.

OFFERED LANDS: Lands owned by a proponent and being offered in an exchange.

OFFICER OR AUTHORIZED OFFICER: Any person who by law or other lawful delegation may perform duties described.

OFF-ROAD VEHICLE (ORV): Any motorized vehicle designed for or capable of cross-country travel on or immediately over land, sand, snow, ice, marsh, swampland, or natural terrain, deriving motive power from any source other than muscle.

OPENING ORDER: Returning land to the operation of some or all of the public land laws. It is normally done at the same time as revocation.....opens lands to the operation or partial operation of the public land laws. An opening order may be a part of the revocation order and need not be a separate document.

ORIGINAL PUBLIC DOMAIN: All the lands obtained by the Federal Government by the following means:

- Cession from the 13 original states (1789-1802).
- The Louisiana purchase (1803).
- Cession from Spain (1819).
- Occupation of the Oregon Territory (1846),
- The Mexican cession (1848).
- The purchase from Texas (1850),
- The Gadsden purchase (1853).
- The Alaska purchase (1867).

Although within the area covered by the 13 original states, the State of Tennessee is not properly considered a part of the original public domain.

OUTDOOR RECREATION: Recreational pursuits including hunting, fishing, trapping, photography, horseback riding, picnicking, hiking, camping, swimming, boating, rock and mineral collecting, sightseeing, mountain climbing, and skiing.

-P-

PATENT: The instrument (or deed) by which the Federal Government conveys title to the public lands.

PATENT RESERVATION: A clause in a patent or instrument of conveyance by which the grantor creates and reserves to himself some right or interest in the estate granted, the right or interest having no previous existence but being called into existence by the patent. Because a patent reservation always favors and benefits the grantor, a right-of-way grant that exists at the time the patent is issued can never amount to a reservation unless the right-of-way is for the benefit of the United States. Otherwise, the Federal Government should protect a valid existing right-of-way by issuing the patent "subject to" the right-of-way.

PERMIT: A short-term (generally under 3 years), revocable authorization to use public lands for specific purposes. BLM issues permits under 43 CFR 2910.

PERSON: Any person or legal entity such as a corporation capable of doing business or contracting.

PIERCE ACT, ACT OF JUNE 23, 1938 (52 STAT. 1033; 43 U.S.C. 315M-1, 315M-4): A federal statute that authorizes the Secretary of the Interior to acquire leasehold interests in nonfederal lands within grazing districts.

PITTMAN ACT, ACT OF OCTOBER 22, 1919 (41 STAT. 293; 43 U.S.C. 351): A federal statute that allowed the acquiring of title to public domain in Nevada through the discovery of underground water. (Repealed)

PLACER CLAIM: A mining claim that contains minerals not occurring in a vein or lode.

PLAN OF DEVELOPMENT: The general outline of how a definitely proposed or authorized project is to be implemented.

PLAN OF MANAGEMENT: A plan showing how lands are to be managed after development has progressed to the point where the project is operating.

POWERSITE CLASSIFICATION: A classification made by the Federal Power Commission that is a segregation against the operation of the public land laws for lands that are needed or have potential for power projects and associated transmission lines. Lands classified to benefit transmission lines are open to the operation of the public land laws subject to their use for transmission lines.

POWERSITE RESERVE: A reservation of public lands that have potential value for power development.

PREFERENCE RIGHTS: The right of contiguous landowners to purchase lands placed for sale by meeting the highest bid price or by paying three times the appraised value. For a small tract, the earliest applicant has a preference right of sale or lease under certain conditions. The right of an applicant or class of applicants to assert rights or claims to the public lands has not been granted to the general public.

PRINCIPAL OR MAJOR USES: A phrase used in the Federal Land Policy and Management Act that refers to livestock grazing, fish and wildlife development and use, mineral exploration and production, rights-of-way, outdoor recreation, timber production, and other uses.

PRIVATE EXCHANGE: A land exchange between the Federal Government and any landowner other than a state.

PRIVATE LAND CLAIM: A claim based on the assertion that the claimant (or his predecessors in interest) derived his right while the land was under the dominion of a foreign government.

PRODUCING LEASE (OIL AND GAS): A lease to public lands that are within a known producing structure or upon which a discovery has been made.

PROPONENT: Any person or entity who submits a land use proposal, either on his own initiative or in response to a notice for submission of such proposals.

PROPOSED REGULATIONS: Any formal proposal (either proposed rulemaking or final regulation) made to the Secretary of the Interior by BLM for addition to or amendment of federal regulations affecting BLM programs.

PROPOSED RULEMAKING: Any proposed regulation published in the *Federal Register* for public review and comment.

PROSPECTING LEASE (OIL OR GAS): A lease authorizing the exploration, development, and production of oil or gas from public lands that are not known to contain such deposits.

PROTEST: A statement of objection to a proposed classification, application, or claim.

PROTESTANTS: Those who raise objections but do not have enough standing to initiate a contest. Such an objection will be deemed a protest.

PUBLIC: Affected or interested individuals, including consumer organizations, public land resource users, corporations and other business entities, environmental organizations and other special interest groups and officials of State, local, and Indian tribal governments.

PUBLIC DOMAIN: Vacant, unappropriated, and unreserved public lands, or public lands withdrawn by Executive Order 6910 of November 26, 1934, as amended, or Executive Order 6964 of February 5, 1935, as amended, and not otherwise withdrawn or reserved, or public lands within grazing districts established under Section 1 of the Act of June 28, 1934 (45 Stat. 1269), as amended, and not otherwise withdrawn or reserved.

PUBLIC LANDS: Any land and interest in land owned by the United States within the several states and administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership, but not including (1) lands on the outer continental shelf and (2) lands held for the benefit of Indians, Aleuts, and Eskimos.

PUBLIC LAND LAWS: The body of laws that regulates the administration of the public lands and the resources thereon.

PUBLIC LAND ORDER (PLO): CREATING, CONTINUING, MODIFYING, OR REVOKING a withdrawal or reservation that has been issued by the Secretary of the Interior pursuant to his delegations of authority.

PUBLIC LAND STATES: The states created out of the original public domain: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

PUBLIC RANGELANDS IMPROVEMENT ACT (PRIA), P.L. 95-514, OCTOBER 25, 1978: An act that sought to improve the condition of the public rangelands. Among its provisions are a definition of the current grazing fee formula and the requirement that allotment management plans be developed “in careful and considered consultation, cooperation, and coordination” with lessees, permittees, and landowners involved.

PUBLIC PURPOSE: A use in which the public has an interest, affecting its safety, health, morale, and welfare, but not including use for habitation, cultivation, trade, or manufacturing.

PUBLIC VALUE: An asset held by, service performed for, or benefit accruing to the people at large.

PUBLIC WATER RESERVES: Under the authority of Executive Order of April 17, 1926, the reserving for public use of every vacant, unappropriated, and unreserved smallest legal subdivision that contained a spring or water hole. If the lands were unsurveyed, the reservation covered all lands within 1/4 mile of the spring or water hole. (Repealed)

-Q-

QUANTITY GRANT: A grant in which Congress specifies the number of acres or the general type of public lands that are to be granted. The grantee must then select from the qualifying, available public lands.

QUARTER SECTION: One-fourth of a section; 160 acres.

QUITCLAIM DEED (BUREAU OF LAND MANAGEMENT): The type of deed used to relinquish all claims of the United States in lands that were conveyed to the United States in some transaction; a deed that does not allege ownership. Under a quitclaim deed the grantor represents merely that whatever interest he may have he conveys to the grantee.

-R-

RAILROAD CLAIMS (RELEASED): The lands to which a railroad claim might have attached and that had not been patented or deeded to bonafide purchasers before September 18, 1940. These lands, which might have passed to the railroads, were relinquished by railroads pursuant to the Transportation Act of 1940.

RAILROAD INDEMNITY SELECTION: A lieu selection allowed to compensate a railroad for lands lost within the primary limits. The selections were normally restricted to within the indemnity limits.

RAILROAD LIEU SELECTION: A lieu selection, made by an applicant other than a railroad for lands to replace those lost or relinquished within a railroad grant.

RAILROAD TOWNSITE RESERVATION: A reservation of public lands potentially valuable as a townsite along a proposed or existing railroad line in Alaska.

RECEIVER (GLO): The official authorized to accept cash payments for public lands in the district land offices and the Washington Office of the General Land Office.

RECLAMATION FUND: A Federal Treasury account to which BLM deposits certain monies to be used for financing reclamation projects.

RECLAMATION HOMESTEAD ENTRY: A homestead entry (not exceeding 160 acres) under the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 431, et seq.), which provides for entry within reclamation projects.

RECLAMATION PROJECT: A water development and irrigation project of the Bureau of Reclamation.

RECLAMATION WITHDRAWALS:

First Form: A reclamation withdrawal of public lands that are or may be needed for the building and maintaining a reclamation project.

Second Form: A reclamation withdrawal of public lands susceptible to irrigation from a reclamation project.

The distinction between the first and second forms of withdrawals has been eliminated, and all such withdrawals are called reclamation withdrawals.

RECREATION AND PUBLIC PURPOSES (R&PP) ACT, THE ACT OF JUNE 14, 1926, AS AMENDED (43 U.S.C. 869, 869-4). A federal statute that allows the disposal of public lands to any state, local, federal, or political instrumentality or nonprofit organization for any recreational or public purpose, at the discretion of the authorized officer.

RECREATIONAL LANDS: A tract of land, usually covering several thousand acres, where recreation is or is expected to be a major use.

RECREATION RESOURCES: Natural and cultural resources used by people during leisure time and providing a change of pace, a change of social environment, and other physical or mental satisfactions.

RECREATION SITES: Relatively small tracts of land that have value for concentrated and intensive recreation use, which usually requires building and maintaining public facilities.

RECTANGULAR SYSTEM OF SURVEYS: The cadastral system of surveys that has been used to subdivide the public lands into townships, sections, and sectional subdivisions.

REGIONAL CORPORATION: An Alaska Native regional corporation organized under the laws of the State of Alaska in accordance with the provisions of Section 7 of Alaska Native Claims Settlement Act.

REGISTRAR: An official in the district office of the General Land Office.

REGULATION: An administrative statement that after due notice has the force and effect of law. Many acts passed by Congress are not detailed enough to spell out totally the minute requirements of the law. Regulations that are issued pursuant to law are considered by the courts to have equal weight with the law they help to interpret and spell out.

REJECTION: The denial of an application because it is improperly filed or because it conflicts with the public land laws or with public policy.

RELICTION: The gradual and imperceptible withdrawal of water from land that it covers resulting from the lowering of the water level by any cause; land uncovered by the gradual subsidence of water.

RELINQUISHMENT: A forsaking, abandoning, renouncing, or giving over of a right. For real property, relinquishment must usually be in writing.

RESERVATION: A “setting aside”, or dedication of lands for the Federal government for a specific public purpose. “Reserved” land is not necessarily withdrawn. A permanent withdrawal dedicated to a specific public purpose.

RESERVATION LANDS: National parks and monuments or any other reservations of the United States for the use of or administration by the National Park Service, the Fish and Wildlife Service, the Bureau of Reclamation, or any agency outside the Department of the Interior.

RESIDENTIAL: Consisting of both seasonal and year-round single or multifamily dwellings or combinations thereof and related community facilities.

RESOURCE MANAGEMENT PLAN: Guidance that provides for development, maintenance, and use of the public lands.

RESTORATION: Normally associated and contemporaneous with the revocation of withdrawals; the restoring of the lands to the status of unreserved public lands and opening them to the operation of the public land, mining, and mineral leasing laws.

REVERSIONARY CLAUSE (REVERTER): A provision in a patent for the conveyed lands to return to United States ownership for failure of development or upon a prescribed event.

REVOCATION: The action that cancels a withdrawal but does not necessarily “open” the lands to application or entry.

RIGHT-OF-WAY: An easement, license, or permit that grants no estate of any kind, only the right of use. A right-of-way may also be granted for a site.

RIPARIAN RIGHTS: The rights of the owners of lands on the banks of watercourses or small lakes, relating to the ownership of soil under the water and to accretions and relictions.

ROUGHLY EQUIVALENT VALUE: The concept and guidelines established in the U.S. Supreme Court decision *Andrus v. Utah* 1980, that the base lands and the selected lands are to be roughly equivalent in value.

-S-

SANITARY LANDFILL: A method of disposing of solid waste by spreading it in thin layers, compacting the layers to reduce volume, and covering the layers with soil to prevent environmental pollution.

SCHOOL LAND DEFICIENCY: The amount of land lost by the state and for which the state is entitled to school land indemnity selections.

SCHOOL LAND INDEMNITY SELECTION: A state's selection of public land to replace the school lands the it could not receive.

SCHOOL LAND PATENT: A patent to give the state evidence of title to lands. Title can automatically pass without a patent being issued.

SCHOOL SECTION: A section granted to the state for the support of the common schools.

SCOPING: A process used by a federal agency to determine the range of issues and alternatives to be included in an environmental study.

SECRETARY: The Secretary of the Interior or the individual to whom the authority and responsibilities of that official, as to matters considered in this part, have been delegated.

SCRIP A certificate that allowed the owner to acquire a certain number of acres from vacant, unappropriated public land.

SECTION: 640 acres, one square mile.

SEGREGATION: Any action such as a withdrawal or allowed application (exchange) that suspends the operation of the general public land laws; removing lands from the operation of part or all the public land mineral laws.

SELECTED LANDS: The public domain lands sought by the proponent in an exchange.

SIOUX HALF-BREED SCRIP: Scrip issued to Sioux Indians of mixed blood in Minnesota under the Treaty of July 15, 1830 (7 Stat. 328), and the Act of July 17, 1854 (10 Stat. 304).

SMALL TRACTS: Parcels of public land (5 acres or less) that have been found to be chiefly valuable for sale as a home, cabin, camp, or business site under the Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 782a). (Repealed)

SMALLEST LEGAL SUBDIVISION: A quarter-quarter section; 40 acres.

SPECIAL LAND USE PERMIT (SLUP): A permit granted for purposes not authorized or forbidden by law. (Repealed)

SPECIAL PRICING PROGRAM: A schedule of special prices established by the Secretary of the Interior, based on the fair market value of the property less a public benefit allowance and often used on applications under the Recreation and Public Purposes Act.

STATE EXCHANGE: A land exchange between the Federal Government and a state. See Section 206 of the Federal Land Policy and Management Act.

STATE HISTORIC PRESERVATION OFFICER (SHPO): An official within each state authorized by the state at request of the Secretary of the Interior to act as liaison for implementing the National Historic Preservation Act of 1966.

STATEMENT OF VALUE: A written report prepared by a qualified appraiser that states the appraiser's conclusion of value.

STATUS CONFLICT: Any land status matter that would bar the approval of an application.

STATUS, LAND: Information concerning a specific piece of land, including such things as ownership, claims or applications outstanding, known minerals, withdrawals, or any information that might affect how the land laws would operate with respect to the land.

STOCK DRIVEWAY: A route designated for the movement of livestock to and from its range. A reservation provided for in Sec. 10 of the Act of December 19, 1916 (Stockraising Homestead Act) (39 Stat. 865; 43 U.S.C. 300) prohibits lands so withdrawn from being entered (but such lands are open to mining location). (Repealed)

STOCKRAISING HOMESTEAD ACT: The Act of December 29, 1916 (39 Stat. 863; 43 U.S.C. 291), which allowed the patenting of western lands that were unsuitable for cultivation but were suitable for stock grazing. The Taylor Grazing Act repealed the Stockraising Homestead Act by implication.

STOCKRAISING HOMESTEAD: A homestead of no more than 640 acres initiated under the Stockraising Homestead Act.

SUBPOENA DUCES TECUM: A court process that orders the production of a document or writing.

SUPPLEMENTAL PATENT: A deed or patent conveying all coal reserved under the Act of March 3, 1909 (35 Stat. 844; 30 U.S.C. 81), or the Act of June 22, 1910 (36 Stat. 583; 30 U.S.C. 83-85), such land having been (after the original patent that reserved the coal) finally classified as noncoal in character. A patent for additional rights not included in the original patent.

SUPPLEMENTAL PLAT: A plat that shows a revised subdivision of one or more sections without a change to the section boundaries or the survey record.

SURVEY APPLICANT: The person or legal entity requesting a cadastral survey.

SURVEY MONUMENT: A physical object (iron post, stone, tree) that marks the location of a point established by cadastral survey.

SURVEY PLAT: A plat representing the lines surveyed, established, retraced, or resurveyed, showing the direction and length of each line; the relation to adjoining official surveys; the boundaries, descriptions, and area of each parcel of land; and the topography, culture, and improvements within the limits of the survey.

SUSPENDED APPLICATION OR ENTRY: An application or entry upon which adverse action has been deferred for good cause shown.

SUSTAINED YIELD OF THE SEVERAL PRODUCTS AND SERVICES: Achieving and maintaining a high level of annual or regular periodic output of the land's renewable resources without impairing the land's productivity.

SWAMP-LAND GRANT: A grant of swamp or overflowed lands to the state to encourage reclamation of such lands.

-T-

TAYLOR GRAZING ACT: The Act of June 28, 1934 (48 Stat. 1269, 43 U.S.C. 3.15) as amended, regulating grazing on the public lands (excluding Alaska) to improve rangeland condition and stabilize the western livestock industry. The law permitted 80 million acres to be placed into grazing districts to be administered by the Department of the Interior's Division of Grazing (later renamed the Grazing Service). The General Land Office was responsible for administering grazing on public lands outside the districts. The Taylor Grazing Act conferred broad powers on the Secretary of the Interior to do all things needed for the preservation and use of the unreserved public lands of the United States.

TAYLOR GRAZING ACT EXCHANGE: An exchange under the provisions of the Taylor Grazing Act.

THREATENED AND ENDANGERED SPECIES: Any animal or plant species officially listed according to Section 4 of the Endangered Species Act of 1973 (P.L. 93-205).

TIMBER AND STONE ENTRY: A cash entry for lands that were valuable for timber or stone and unfit for cultivation.

TIMBER PRODUCTION: The growth and harvest of trees in forests and woodlands.

TOWNSHIP: The major subdivision of the public lands, ideally being 6 miles square and containing 36 sections.

TOWNSITE: An area of public land identified for disposal as an urban development. For National Forest Townsite, see Section 213 of the Federal Land Policy and Management Act.

TOWNSITES:

Preemption Rights: A person's guaranteed right to buy at the minimum price public lands that he or she had improved.

Preemption Proof: The proof required for one to qualify for preemption rights.

TRACT BOOKS: The central land status records that originally depicted the status of the public domain. For the most part, tract books were replaced by master title plats..

TRAMROADS: Tramways and wagon or truck roads to be used for logging, mining, quarrying, and manufacturing lumber. Tramroads also included railroads used mainly for transportation for such activities.

TRANSPORTATION ACT OF 1940: The Act of September 18, 1940 (54 Stat. 954), allowing railroads to release any claim they might have had remaining against unsatisfied grant lands in return for full commercial rates except for transporting military or naval property and personnel.

TREASURE OR TREASURE TROVE: Gold or silver in coin, plat, or bullion, and loose gem stones and other valuable property, including vases, cups, ornaments, rings, jewelry, and other articles of art of historical value and interest but whose main value is usually considered to be monetary.

TRESPASS: See UNAUTHORIZED USE.

TRUSTEE DEED: Most often, a deed to a town lot in a townsite.

-U-

UNADJUSTED RAILROAD GRANT: A railroad grant that had not been completely adjudicated before the passage of the Transportation Act of 1940.

UNAUTHORIZED USE: Any occupancy or use of the public lands or resources of the United States without authorization.

UNPERFECTED ENTRY: An entry that requires further compliance with the public land laws.

UNRESERVED PUBLIC LANDS: Public lands not covered by a reservation or a withdrawal except by the federal orders of withdrawal.

USE AUTHORIZATION: Approval of a proposed use for land or resources on the prescribed form or document designated for such use; a document showing permission to use land or the resources thereon; a formalized grant pursuant to a request to use land or resources.

-V-

VACANT PUBLIC LANDS: Public lands that are unappropriated and unreserved and not within a withdrawal; lands that are not reserved except by the general orders of withdrawal.

VALID CLAIM: A mineral or ore body of sufficient size and quantity to justify an ordinary prudent person in spending labor and means to develop a paying mine.

VILLAGE CORPORATION: A profit or nonprofit Alaska Native village corporation that is eligible under Section 2651.2 of Title 43 to select land and receive benefits under the act and is organized under the laws of the State of Alaska according to the provisions of Section 8 of the Alaska Native Claims Settlement Act.

VISUAL RESOURCES: The composite of land, water, vegetation, animals, structures, and other visible features.

-W-

WATER RIGHT: The authority, whether by prior ownership, contract, purchase, or appropriation according to state law, to use water for any beneficial use.

WATER SUPPLY: See ADEQUATE WATER SUPPLY.

WATERSHED PROTECTION: Maintaining the stability of soil and soil cover and controlling the natural flow of water;

WILDERNESS: Areas in a native condition or reverted to a native condition and substantially free of human-made structures and human habitation.

WILDLIFE REFUGE: A reservation for the protection of wildlife.

WITHDRAWAL: Removal or withholding of public lands by statute or secretarial order, from the operation of some or all of the public land laws, such as from surface mining or mineral leasing.

WITHDRAWAL REVOCATION: The cancellation of a withdrawal.

WITHDRAWAL MODIFICATION: To make a change to an existing, indefinite withdrawal.

WITHDRAWAL IN AID OF LEGISLATION: A withdrawal that is made pending enactment of legislation relative to the same lands.

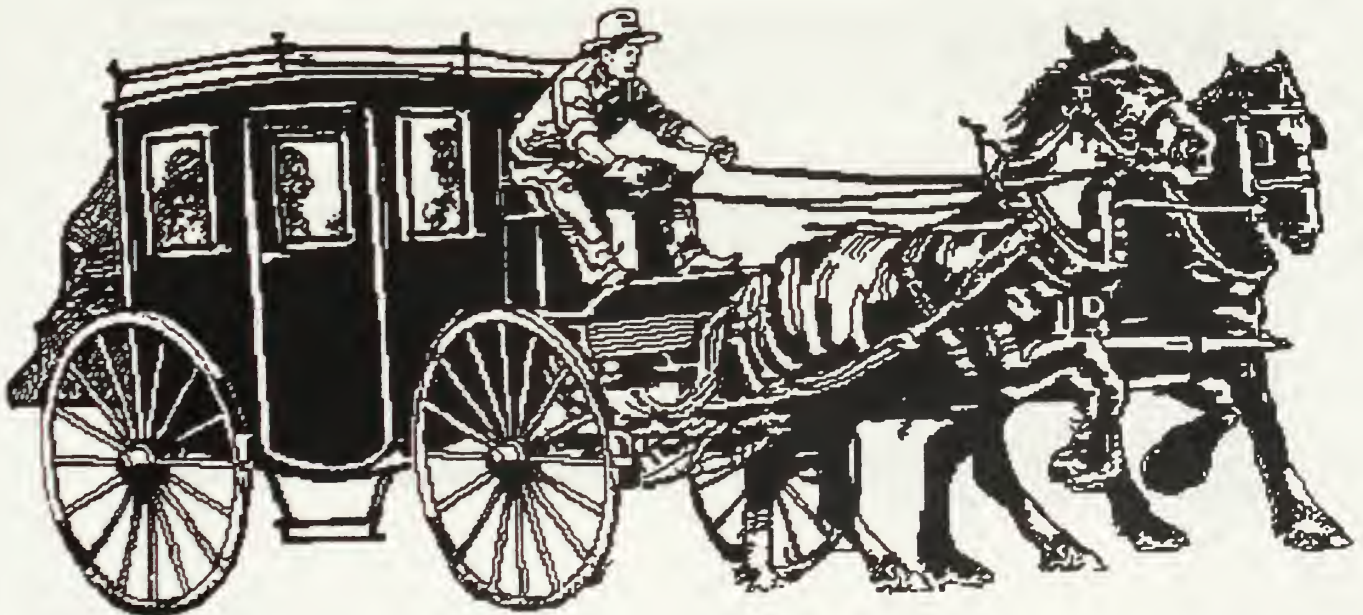
-Z-

ZONING: The legal process used by local political subdivisions of competent jurisdiction to regulate land uses and set structural and architectural designs for improvements thereon.



Bureau of Land Management
National Training Center

Highlights in the History of the Public Lands



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HIGHLIGHTS IN THE HISTORY OF THE PUBLIC LANDS

Acquisition of the Public Domain

Cessions by the Original States: Seven of the original 13 states claimed large areas of western lands east of the Mississippi River, which they ceded to the United States between 1781 and 1802.

Louisiana Purchase: In 1803, under President Jefferson, the United States purchased from France for \$27 million, more than a half billion acres, mostly west of the Mississippi.

Convention of 1818: The United States and Great Britain agreed to set the 49th Parallel as the boundary between their territories from the Great Lakes to the Rocky Mountains. Also under this convention, the United States acquired the Red River of the North.

Spanish Cession: In 1819, Spain ceded Florida to the United States for \$6 million and agreed to adjust the boundaries between the United States and Spanish possessions.

Oregon Compromise: in 1846, a treaty with Great Britain recognized the United States claim to the Pacific Northwest south of 49th parallel.

Mexican Cession: After the Mexican war, in 1848, Mexico ceded most of the Pacific Southwest to the United States for \$15 million.

Texas Purchase: In 1850, the United States purchased from Texas for \$16 million, 79 million acres north and west of the present boundaries of Texas.

Gadsen Purchase: In 1853, the United States purchased 19 million acres in the Southwest from Mexico for \$10 million.

Alaska Purchase: In 1867, the United States purchased Alaska from Russia for \$7 million.

Public Domain States

The United States did not treat its public domain as a colonial empire but instead carved it into 30 states admitted into the Union on an equal basis with the other states.

Disposals

Under a variety of laws, the United States has disposed of more than 1 billion acres of the public domain to private individuals, corporations, states, and local governments. This land disposed of amounts to about 75 percent of the original public domain outside of Alaska.

Land Grants

As an incentive to develop internal improvements, the United States has donated more than 300 million acres of public domain to states, corporations, and others.

Zane's Trace: In 1796, a grant of preemption was made to Ebenezer Zane to maintain a road and ferry service in Ohio.

First School Grant: On its admission to the Union in 1803, Ohio was granted lands for use in financing a common-school system. All other public domain states received school grants.

First Canal Grant: In 1824, Indiana was granted lands to finance canal construction, but the grant was not used. In 1827, Illinois, Indiana, and Ohio were granted 2 million acres to finance the building of canals.

First River Navigability Grant: In 1828, Alabama was granted 400,000 acres to help finance the improvement of the navigability of certain Alabama rivers.

General Purpose Grant: In 1841, nineteen states were granted 500,000 acres each (less deductions for certain previous grants) for internal improvements.

Swamp Grants: By the Act of March 3, 1849, and later laws, fifteen states were granted the swamp and overflowed lands within their borders to encourage the reclamation of swampy areas of the public domain.

Railroad Grants: Between 1850 and 1871, more than 125 million acres were granted to states and corporations to aid in the building of railroads, including the transcontinental railroads.

A and M College Grant: In 1862, the United States made a general grant to the states of land or land script for use in financing agricultural and mechanical colleges.

Desert Grants: Under the Carey Land Act of 1894 and later legislation, the United States granted arid lands to western states for irrigation and settlement under state-sponsored reclamation projects.

Cash Policy

A prime consideration in public land policy, particularly in the Nation's earlier years, was the securing of revenues through the sale of public lands.

Cash Policy Established: The Ordinance of 1785 established the cash-sale system, providing for sales of public lands partly in units of 36 square miles and partly in units of 1 square mile.

Reduction of Minimum Acreage to 40 Acres: By various enactments between 1785 and 1832, the minimum unit of public land that could be offered for sale was reduced to 40 acres.

First Patent: The first patent (deed) executed by the Federal Government was issued by the Board of Treasury on March 4, 1788.

Installment Sales: From 1800 to 1820, purchasers of public lands were allowed to pay for their purchases in four annual installments, and relief measures extended their credit terms. From 1820 on, sales were made for cash (or its equivalent) only.

Price Gradation: Between 1854 and 1862, lands that were still unsold after they had been offered at public auction were sold at a reduced price, depending on the length of time they had been on the market. During this period, lands were sold for as little as 12.5 cents per acre.

General Repeal: The cash-sale laws were for the most part repealed in 1891. The major cash-sale law kept on the books provides for the sale of isolated tracts at public auction.

\$1.25 Minimum Abandoned: The Taylor Grazing Act abolished the \$1.25 minimum. The minimum price of lands now offered for sale is set by appraisal.

Settlement Policy

Through the years, emphasis in policy changed in favor of actual settlers on the public lands.

Advance Settlement Forbidden: In 1807, Congress forbade settlement on the public lands before sale or other permission and specified penalties for such trespassers.

General Preemption: In 1841, a general law was passed permitting settlers to "squat" on 160 acres of public land. To gain title to the lands, settlers had to cultivate them and pay the minimum statutory price.

Five-Year Homestead: In 1862, Congress provided for a gift of 160 acres to actual settlers who would settle on and cultivate the lands and reside upon them for 5 years.

Desert Land Act: Beginning in 1877, settlers were allowed to purchase 640 acres (later reduced to 320) of irrigable arid land at \$1.25 per acre, provided they irrigated them successfully. This law is still "on the books."

End of Preemption: In 1891, the preemption laws, with minor exceptions, were repealed.

Reclamation Homesteads: In 1902, Congress authorized homesteading in units no larger than 160 acres on lands reclaimed by federal irrigation projects.

Forest Homesteads: In 1906, agricultural lands in national forests were open to homesteading in units of no larger than 160 acres.

Enlarged Homesteads: In 1909, the maximum area of homesteads on dry-farming areas in the West was raised to 320 acres.

Three-Year Homesteads: Homestead residence requirements were reduced to 3 years in 1912.

Stockraising Homestead: From 1916 to 1934, settlers were permitted to homestead as much as 640 acres of arid rangelands in the West. Cultivation was not required. Although not officially repealed in 1934, this law was not in effect after 1934.

Advance Settlement Forbidden in States: The Taylor Grazing Act of 1934 forbade settlement on public lands outside of Alaska before classification by the Department of the Interior.

Veterans

In its early days, the United States used public lands to induce enlistments and reward veterans.

Land Bounties for Military Service: Before the Civil War, veterans were given warrants entitling them to a specified number of acres of public domain for service in military engagements.

Special Privileges for Veterans: After the Civil War, veterans were given special privileges, making it easier for them to secure lands under the public land laws.

Other Laws

Special situations called for special acts. Outstanding among these are the following.

First Allotment of Indian Lands: Colonial governments issued allotments to Indians, and the United States issued its first allotments in 1805. But the United States did not establish a consistent policy until 1887.

Sites for Towns: Preemption and sales of townsites and town lots were authorized by various acts after 1824.

Sale of Mineral Lands: From 1847 to 1920, government policy was to sell known mineral lands. Under the general mining laws of 1866 and 1872, still in force except for leasable minerals, the price of mineral lands is nominal, and valid discovery of mineral deposits can lead to ownership.

Timber Culture: From 1873 to 1891, the United States tried to encourage the cultivation of trees on the treeless plains by granting lands to those who would plant and protect them.

Timber and Stone: The act of 1878 provides for the sale of public lands valuable for timber or stone and unfit for cultivation in California, Washington, Oregon, and Nevada. In 1892, provisions were made for the rest of the public domain.

Land Laws Applied to Alaska: From 1884 to 1912, the major public lands laws with modifications, were extended to Alaska.

End of Indian Land Allotment: Further fragmentation of Indian reservations by allotments to individual Indians was stopped in 1934.

Small Tracts: In 1938, the Department of the Interior was authorized to lease and sell small tracts of 5 acres or less for use as recreational, home, and business sites.

Management

The major phases of federal land management are of recent origin, but important steps were taken in early years.

Cadastral Surveys: The present rectangular system of surveys was established by the Ordinance of 1785.

District Land Offices: The first district land offices were created in 1800 as field offices of the Treasury Department.

Lead Mines: From 1807 to 1847, the Federal Government leased its lead mines in the Midwest.

General Land Office: In 1812, the General Land Office was created as part of the Treasury Department.

Department of the Interior: When Congress created the Department of the Interior in 1849 to handle domestic affairs, it transferred the General Land Office from Treasury to Interior.

Yellowstone National Park. Yellowstone, the first national park, was created in 1872.

Geological Survey: In 1879, the Geological Survey of the Interior Department was founded.

Forest Reserves: In 1891, Congress authorized the reservation of public domain timbered areas to be administered by the Department of the Interior.

Reclamation Projects: Large-scale federal irrigation projects to reclaim arid western lands had their beginning in 1902.

Forest Service: Management of federal forest reserves was assigned in 1905 to the newly created Forest Service in the Department of Agriculture.

Antiquities Act: In 1906, Congress empowered the President to reserve public lands containing objects of historic and scientific interest as national monuments and extended protection to certain cultural resources on federal lands by requiring a permit for any removal of such resources.

Withdrawals: In 1910, Congress gave the President authority to reserve lands temporarily to serve public purposes. In 1915, the Supreme Court affirmed the President's general powers to reserve lands in the public interest.

Weeks Act of 1911: This act enabled the Forest Service to purchase lands for addition to national forests.

National Park Service: To manage the National Park System, the National Park Service was formed in the Department of the Interior in 1916.

Mineral Leasing Act of 1920: This act that provides for the supervised leasing of certain public domain fuel and fertilizer mineral lands to private enterprise.

Migratory Bird Conservation Act of 1929: This act established inviolate sanctuaries for migratory birds.

Wheeler-Howard Act: This act of 1934 strengthened the Indian land base and intensified management of Indian lands.

Taylor Grazing Act of 1934: This act authorized the establishing of grazing districts to help stabilize the dependent livestock industry and conserve the public range. It also authorized the Department of the Interior to classify the unreserved public lands in the states for their proper use and disposition. The Taylor Grazing Act established within the Department of the Interior the Division of Grazing (which later became the Grazing Service) to administer grazing within grazing districts.

Flood Control Act of 1936: Congress established a comprehensive national policy for flood control on a watershed basis.

Bankhead-Jones Farm Tenant Act of 1937: Under this act, the United States acquired 2 million acres of submarginal farmlands. Some of these lands were later to be administered by BLM, and others became national grasslands administered by the Department of Agriculture, Forest Service.

O and C (Oregon and California Railroad and Coos Bay Wagon Road Grant) Lands: The General Land Office began the sustained-yield management of its forests in western Oregon under the authority granted by Congress in 1937. (The Oregon and California Railroad grant lands were reverted to the Federal Government in 1916, and the Coos Bay Wagon Road grant lands were reconveyed in 1919.)

Cooperative Forest Management: In 1944, the Secretaries of Agriculture and Interior were granted power to enter into cooperative agreements with other forest owners for joint sustained-yield management of intermingled forested tracts.

Bureau of Land Management: In 1946, the General Land Office and the Grazing Service were abolished and their functions assigned to the newly created Bureau of Land Management. The purpose of this action was to unify the management of the unreserved public domain, including grazing districts.

National Historic Preservation Act: In 1966, Congress passed the single most important law governing the policies of federal agencies toward historic preservation. The act created the Advisory Council on Historic Preservation to comment on federal actions affecting cultural resources, authorized the Secretary of the Interior to expand and maintain a National Register of Historic Places, and expanded the national policy of historic preservation at the federal level. It also encouraged preservation on the state and private levels, partly through grants for preparing comprehensive statewide surveys and plans for historic preservation.

Clean Air Act: This act of Congress, passed in 1963 and amended in 1967, 1970, 1973, 1974, and 1977, formally adopts national ambient air quality standards and state implementation plans, which provide for the implementation, maintenance, and enforcement of those standards.

Classification and Multiple Use Act of 1964: This act mandated the classification of the public land into categories for retention, disposal, and further study for the Public Land Law Review Commission.

Wilderness Act of 1964: This act established the National Wilderness Preservation System to be composed of federally owned areas designated by Congress and administered to protect from impairment. Public lands administered by the Bureau of Land Management were not affected by the act until the passage of the Federal Land Policy and Management Act of 1976.

Wild and Scenic Rivers Act: In 1968, Congress established the national policy of preserving in free-flowing condition selected rivers that with their immediate environments have outstanding remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other values. The act instituted the National Wild and Scenic Rivers System and prescribed the methods and standards under which the system could be enlarged.

National Environmental Policy Act of 1969: This act established a national policy for the environment, requires federal agencies to become aware of environmental effects of their proposed actions, requires public disclosure of proposed major federal actions, provides a mechanism for public input into federal decisionmaking, and requires federal agencies to prepare environmental impact statements for every major action significantly affecting the quality of the human environment.

Wild and Free Roaming Horse and Burro Act: In 1971, Congress gave statutory protection to wild horses and burros, declaring them an integral part of the natural system of the public lands and authorizing the Secretaries of Agriculture and the Interior to write regulations to protect them from capture, branding, harassment, or death.

Endangered Species Act of 1973: This act directs the Secretary of the Interior to maintain a list of threatened and endangered plants and animals and all federal agencies to ensure that their actions do not jeopardize the existence of these species.

Federal Coal Leasing Amendments Act of 1976 (FCLAA): This federal law amended the coal leasing provisions of the Mineral Leasing Act of 1920, requiring receipt of fair market value for federal coal leases, competitive lease sales, consideration of special leasing opportunities for public bodies, comprehensive land use planning for lands offered in a coal lease sale, and production within 10 years of the issuance of a lease.

Federal Land Policy and Management Act of 1976 (FLPMA): The Bureau of Land Management's organic act gave BLM a clear mandate for retention and management of public lands. FLPMA sets standards for managing the public lands, including land use planning, sales, withdrawals, acquisitions, and exchanges. It authorizes the establishing of local advisory councils representing major citizen group interests in land use planning and management; establishes the size and deadlines for review of proposed wilderness areas; and provides guidelines for other such aspects of public land management as grazing.

Surface Mining Control and Reclamation Act of 1977: This act sets rules for surface mining and reclamation of mined lands, providing for the transfer of much authority to states with approved programs.

MMS Merger: In 1982, a merger between the Department of the Interior's Minerals Management Service (MMS) and BLM gave BLM additional mineral leasing responsibilities for "onshore" minerals. Among these responsibilities were approval of production, inspection and enforcement, and mineral operations on Indian reservations.

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